STATE OF VERMONT

HUMAN SERVICES BOARD

In re)	Fair Hearing No. 20,339
)	
Appeal of)	

INTRODUCTION

The petitioner appeals the decision by the Department for Children and Families, Economic Services denying his application for General Assistance (GA) to fill a prescription. The issue is whether the petitioner has a catastrophic situation as that term is defined by the pertinent regulations.

FINDINGS OF FACT

1. The petitioner is a single man who receives Social Security disability benefits of over \$900 a month. On May 24, 2006 he applied for GA to pay for a prescription for Ibuprofen 800 Mg. The Department denied the application because there was no showing that the petitioner was facing any particular medical emergency if he did not get the prescription filled that day.¹

¹ The Department also denied the application because the petitioner had caused his own lapse in pharmacy coverage by failing to pay his premium. However, this issue need not be addressed in this decision.

2. At a hearing held on May 26, 2006 the petitioner admitted that he had not consulted with his doctor regarding his immediate need for the prescription. The petitioner also admitted he would be receiving his Social Security check on or about June 1, 2006. However, he alleged that he wouldn't be able to purchase the prescription then because he needed to put new tires on his car.

ORER

The decision of the Department is affirmed.

REASONS

The General Assistance regulations provide that households with income in excess of the Reach Up Financial Assistance (RUFA) maximum can only receive additional financial assistance if they are experiencing a "catastrophic situation". See W.A.M. § 2600 et seq. There is no question in this matter the petitioner's income is well in excess of (by more than double) the RUFA payment level for a one-person household. W.A.M. §§ 2244-2249. The GA regulations define catastrophic situations as an emergency medical need, a court-ordered or constructive eviction, the death of a spouse or minor child, or a natural disaster.

W.A.M. § 2602. As noted above, the petitioner made no

showing that he had an emergency, or even urgent, medical need for the prescription on the day he applied for GA.

The petitioner was advised that he could reapply for GA if his doctor would verify a medical emergency. However, inasmuch as the Department's decision in this matter was in clearly accord with the above regulations, the Board is bound by law to affirm it. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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